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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	: Before the Examiner:
Scott J. Broussard	: Laurel E. Leflore
Serial No.: 10/042,045	: Group Art Unit: 2673
Confirm Number: 4455	: Intellectual Property Law Department
Filed: 01/08/2002	: International Business Machines Corp.
Title: DETERMINING A MINIMUM SIZE OF PRESENTATION DATA	: 11400 Burnet Road : Austin, Texas 78758

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office at facsimile number 703-872-9306 and to the attention of Examiner Laurel E LeFlore on September 28, 2004.

Beverly Winfield

Beverly Winfield  
Signature

9-28-04

Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AUS9-2001-0965US1

1

PATENT  
10//042,045**APPELLANT'S BRIEF UNDER 37 CFR 1.192**

This is an appeal of a final rejection dated May 4, 2004 of Claims 1-20 of application serial number 10/042,045, filed January 8, 2002. This brief is submitted pursuant to a Notice of Appeal filed, July 28, 2004 as required by 37 CFR 1.192.

**I. Real party in Interest**

The real party in interest is International Business Machines Corporation, the assignee, as recorded on 01/08/2002 at reel/frame 012494/0253.

**II. Related Appeals and Interferences**

There are no other appeals or interferences known to appellant, appellant's representative or assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**III. Status of Claims**

Claims 1-20 have been rejected.

Claims 1-20 are being appealed.

The rejected claims 1-20, which form the basis of this appeal, are reproduced in the attached Appendix.

PATENT  
10/042,045**IV. Status of Amendments**

No amendment was filed subsequent to the final rejection.

**V. Summary of the Invention****Independent claims 1, 9, and 14**

A method, system, and computer program on a computer usable medium is being claimed which enables the creation of presentation data for later projection (page 3, line 1; page 7, lines 3-6; page 8, lines 23 – 27; page 9, lines 20-26; page 14, lines 6-7). Such a method, system and program are referred to in the specification as a presentation authoring tool (page 3, lines 1-3) that is used to create the presentation data for later viewing. As is clear from the specification (page 4, lines 3-15), the presentation data is data that is not yet being projected. Presentation data can also be thought of in terms of "preparation data" or image source" as those terms are used in the art (See Kikuchi et al. US Patent 5,815,160 and Nasserbakht et al. US Patent 6,072,443). This same art uses the term "presentation data" in a way that is different than Appellant's use of the term in that the art refers to "presentation data" as the data that is finally being displayed or otherwise projected. Instead, Appellant uses the term "projected presentation" (page 15, lines 1-4) to refer to the data that is finally being displayed, i.e., projected.

The claimed invention has a step and means for determining a recommended size for the created presentation data displayed on a display screen of a computer executing the presentation authoring tool. Again, it should be noted that what is being determined is the font size of text of the "presentation data" as Appellant uses that term, i.e., of the data being created using the authoring tool before being projected. Support in the specification for the structure, material and acts that correspond to this claimed function can be found in the specification at page 3, lines 1-24, page 4, lines 16-24; Fig. 3, Fig. 4, page 10, line 8 to page 13, line 18; page 13, line 20 to page 16, line 12, page 6, line 15 to page 7, line 2;

PATENT  
10/042,045

page 7, line 2 to page 8, line 4; page 8, line 23 to page 9, line 3; page 9, line 20 to page 10, line 2.

The above step and means is further carried out by a step and means for receiving input of an expected viewing distance for the later projection of the presentation data. Support in the specification for the structure, material, and acts that correspond to this claimed feature can be found in the specification at page 7, lines 19-21; Fig. 3 – 302; Fig. 4 – 410; page 7, lines 21 to page 8, line 4; page 8, line 23 to page 9, line 19; page 9, line 20 to page 10, line 2; page 10, lines 21-22; page 10, line 27 to page 11, line 1; page 13, lines 20-21; and page 14, lines 6-13.

Furthermore, there is a step and means for determining the recommended size based upon the expected viewing distance of the later projection having a projected data size viewable by a person, having a certain vision capability, at the expected viewing distance. Support in the specification for the structure, material, and acts that correspond to this claimed feature can be found in the specification at page 6, line 15 to page 8, line 4; page 8, line 23 to page 10, line 2; page 10, line 8 to page 16, line 2; and Fig. 3.

Then there is a step and means for indicating, during a preparation of a presentation using the authoring tool, presentation data that is smaller than the recommended size. Support in the specification for the structure, material, and acts that correspond to this claimed feature can be found in the specification at page 6, line 15 to page 8, line 4; page 8, line 23 to page 10, line 2; page 16, lines 3 – 18; Fig. 3 – 317; page 3, line 26 – page 4, line 2.

### **Independent claims 7, 12, and 19**

A method, system, and computer program on a computer usable medium is being claimed for displaying presentation data on a display screen of a computer executing a presentation authoring tool having means for enabling a creation of the presentation data, having a current font size, for later projection (page 2, lines 22-28; page 4, lines 3-24; page 16, lines 21 to page 18, line 13; and Fig. 3).

AUS9-2001-0965US1

PATENT  
10//042,045

The claimed invention has a step and means for receiving input for an expected viewing distance of the later projection having a given projection screen height. Support in the specification for the structure, material and acts that correspond to this claimed function can be found in the specification at page 7, lines 19-21; Fig. 3 – 302; Fig. 4 – 410, 411; page 7, lines 21 to page 8, line 4; page 8, line 4 to page 10, line 2; page 10, lines 21-23; page 10, line 27 to page 11, line 10; page 13, lines 20-22; and page 14, lines 6-14.

Furthermore, there is a step and means for redisplaying the presentation data using a second font size on the display screen that is representative of an anticipated appearance of the later projection, having a projected font size based upon the current font size, using the given projection screen height, of the presentation data by a person, having a certain vision capability, at the expected viewing distance. Support in the specification for the structure, material, and acts that correspond to this claimed feature can be found in the specification at page 6, line 15 to page 8, line 4 to page 10, line 2; page 16, line 19 to page 18, line 16; and Fig. 3.

#### **VI. Grounds of Rejection**

A. Claims 1-4, 6-10, 12-16 and 18-20 are rejected under 35 USC 103(a) as being unpatentable over Kikuchi et al. 5,815,160 in view of Nasserbakht et al. 6,072,443.

B. Claims 5, 11 and 17 are rejected under 35 USC 103(a) as being unpatentable over Kikuchi et al. 5,815,160 in view of Nasserbakht et al 6,072,443 as applied to claims 1, 9, and 14 above and further in view of MedicineNet.com article "Acuity test, visual."

PATENT

10/042,045

### VII. Argument

It should be noted that the present specification and claims refer to "presentation data" in a comparable way that Kikuchi et al. refers to "preparation" and Nasserbakht et al. refers to "image source". Neither Kikuchi et al. nor Nasserbakht et al. alters the preparation data or image source. Their inventions only affect what is finally displayed, e.g., presentation data (Kikuchi, col. 2, lines 42-51; col. 3, lines 6-13) and optics system/display between the image source and the user's face (Nasserbakht et al., col. 1, line 65 to col. 2, line 15). Although "presentation data" is used by Applicant, it is clear in the context of the claim and specification that Applicant's claimed invention is drawn to the "preparation data" (to use the words of Kikuchi et al.) for any given displayed presentation. Applicant's use of the term "presentation data" to mean the preparation data used in an authoring tool is distinguishable from Kikuchi's use of the term "presentation" to mean the finally displayed data.

The examiner states in the Final Office Action on page 5, section 11, that "independent claims 1, 9, 14 and 19 do not disclose data that is displayed, after corrections are made, on the display device employed for editing the data." Appellant respectfully submits that the examiner has erred. The claims specifically recite "...for the created presentation data displayed on a display screen of a computer executing a presentation authoring tool" (claims 1, 9, 14) and "indicating, during a preparation of a presentation (claim 14) using the authoring tool (claims 1 and 9)...;" and "a computer system having a processor for executing a presentation authoring tool ..., for enabling a creation of AUS9-2001-0965US1

PATENT  
10/042,045

presentation data, ..., for later projection, ....means for redisplaying the presentation data, on a display screen of the computer ... that is representative of an anticipated appearance of the later projection" (claim 19). The claims are clear on their face that what is now being displayed is reflective of what is being anticipated will be projected later. To the contrary, the references teach that what is being now displayed is reflective of what was displayed or created previously. As such, the Examiner has failed to read the claims as a whole, as further discussed below, and has erred in making the rejections.

**A. Claims 1-4, 6-10, 12-16 and 18-20 are rejected under 35 USC 103(a) as being unpatentable over Kikuchi et al. 5,815,160 in view of Nasserbakht et al. 6,072,443.**

**KIKUCHI ET AL.**

Applicant's claimed invention takes place during preparation of the presentation. Kikuchi's disclosure only addresses what happens when the prepared image is being presented on a different display.

Kikuchi discloses correcting the position and size of image data to be displayed with a similar geometrical relationship to the screen size of the display device employed for editing the scenario data (column 2, lines 46-51). The corrections are made when the image data is displayed on the presentation device (see column 3; lines 6-17; Fig. 5; column 5, beginning with line 56; column 7, lines 19-26; and column 8, lines 13-17).

On page 2, section 3 of the Final Office action, the examiner states that Kikuchi et al. discloses "indicating, during a preparation of a presentation using the authoring tool, AUS9-2001-0965US1

presentation data that is smaller than the recommended size." Appellant's submit the examiner has mischaracterized Kikuchi et al. The data prepared using an "authoring tool" is stored as shown in Fig. 1 as media data 1 of Kikuchi et al.. Step S5 of Fig. 5 (see column 5, beginning with line 56, column 6, lines 14-16, and 17-22) refers to determining if the display device 18 Fig. 1 for use in later projecting the media data 1 has a resolution that is equal or not equal to that of the display device employed at the time of editing (column 6, lines 17-19) the media data. This information is determined from the tables 2, 3 of Fig. 1 for the media data 1. The media data 1 is what it is in Kikuchi et al.; no changes are being made to what is stored as media data 1. The changes are made in order to present "media data 1 in accordance with resolution of the display device 18" (col. 5, lines 63-65). Since Kikuchi et al. does not teach or suggest that any change is being made during the time of initial editing of the media data, then Kikuchi et al. cannot be inherently making an indication to the authoring tool that a size of the presentation data is smaller than a recommended size, as stated by the examiner.

Kikuchi et al. does not teach or suggest that the image size is adjusted or changed on the display device at the time of editing to reflect the parameters of a later projection. As such, Kikuchi et al. does not teach or suggest Applicant's claimed invention of claims 1-6, 9-11, 14-18 of "determining a recommended size for the created presentation data displayed on a display screen of a computer executing a presentation authoring tool." Kikuchi et al. also does not teach or suggest "indicating, during an authoring of a presentation, presentation data that is smaller than the recommended size."

PATENT  
10//042,045

With respect to claims 7 and 12, and with respect to the examiner's statements on page 3, section 5 of the Final Office Action, Appellant asserts that the images of Fig. 8 are conceptual and not displayed during the initial editing of the media file. As disclosed by Kikuchi et al. at column 7, lines 55-58 "Fig. 8 illustrates transition of *conceptional* [emphasis added] layouts of a scene corrected in S7 [emphasis added, step S7 does *NOT* occur during the initial editing of media 1 using a presentation authoring tool because media data 1 has already been created] for adjusting to a display device 18." Kikuchi et al. teaches away from Appellant's claimed invention since these layouts are only "conceptional". It is clear that they indeed are not actually being displayed, and cannot be displayed during creation of media data 1 since media data1 has already being created.

With respect to claim 19, "a display screen of the computer" refers to the computer of "a computer system having a processor for executing a presentation authoring tool ... for enabling a creation of presentation data ... for later projection." The claim is clear on its face that the display screen is not for the later projection. Furthermore, in support of this the claim further states "using a second font size on the display screen that is representative of an anticipated appearance of the later projection." Proper antecedent basis has been used to make it clear that the display screen displays the presentation data using the authoring tool and does not display the "later projection". Appellant asserts that the examiner has erred in stating that that the "display screen of the computer" can refer to both the presentation data that is being created and that on which the presentation data is later projected.

## NASSERBAKHT ET AL.

Nasserbakht et al. discloses a display that can automatically adjust to the location and personal characteristics of the user (column 2, lines 18-20). Furthermore, "the image generated by the ocular projection display 12 can be made to appear at varying distances and at varying sizes" as discussed at column 2, line 66 to column 3, line 1. The ocular projection display changes the appearance of an image source. No changes are being made to the image source itself (See Fig. 2A, Fig. 5, Fig. 6, Figs. 8, 9, and 10 and related discussion). The image source of Nasserbakht et al. can be thought of as being comparable to the display device that would be used at the time of preparing the image, and not the display screen used for presenting the image. As such, Nasserbakht et al. does not teach or suggest that the image size is adjusted or changed on the display device at the time of editing. As such, Nasserbakht et al. does not teach or suggest Applicant's claimed invention of "determining a recommended size for the created presentation data displayed on a display screen of a computer executing a presentation preparation authoring tool". Nasserbakht et al. also does not teach or suggest "indicating, during an authoring of a presentation, presentation data that is smaller than the recommended size."

## COMBINATION of KIKUCHI ET AL. and NASSERBAKHT ET AL.

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re AUS9-2001-0965US1*

Royka, 490 F.2d 580 (C.C.P.A. 1974). In the absence of a proper *prima facie* case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent. *See In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

With respect to claims 1-6, 9-11 and 14-18, since neither Kikuchi et al. nor Nasserbakht et al., alone or in combination, teach or suggest the claim limitations of "determining a recommended size for the created presentation data displayed on a display screen of a computer executing a presentation preparation authoring tool;" or "indicating, during an authoring of a presentation, presentation data that is smaller than the recommended size," the combination of the references can not make Applicant's claimed invention obvious.

With respect to claims 7, 8, 12, 13, 19, and 20 since neither Kikuchi et al. nor Nasserbakht et al., alone or in combination, teach or suggest the claim limitations of "redisplaying the presentation data using a second font size on the display screen that is representative of an anticipated appearance of the later projection, having a projected font size based upon the current font size, using the given projection screen height, of the presentation data by a person, having a certain vision capability, at the expected viewing distance," the combination of the references can not make Applicant's claimed invention obvious.

Since Applicant has complied with all of the statutory requirements, Applicant is entitled to a patent.

B. **Claims 5, 11 and 17 are rejected under 35 USC 103(a) as being unpatentable over Kikuchi et al. 5,815,160 in view of Nasserbakht et al 6,072,443 as applied to claims 1, 9, and 14 above and further in view of MedicineNet.com article "Acuity test, visual."**

Claims 5, 11, and 17 depend from claims 1, 9 and 14 which have been shown above not to be obvious in view of Kikuchi et al. and Nasserbakht et al. Therefore, claims 5, 11, and 17 are not obvious for the same reasons as stated above.

Although the combination of Kikuchi in view of Nasserbakht et al. may disclose "focus detection circuitry determines a user's vision capabilities" for determining a recommended size as proffered by the examiner on page 4 section 8 of the Final Office Action, this does not teach or suggest Appellant's claimed invention because the recommended size is for the later displayed data and not for the "preparation" data currently being edited with an authoring tool as more fully discussed above.

Even assuming arguendo that the Snellen chart in the MedicineNet.com article could be used to modify the invention of Kikuchi et al. in view of Nasserbakht et al. to determine the recommended size based on a font height of characters on a line of a vision chart, this does not teach or suggest Appellant's claimed invention where the recommended size is for a font used in an authoring tool and is based upon an expected viewing distance for a later projection. The modification would at most suggest, if at all, a recommended font size of what is being later displayed or projected. This is not Appellant's claimed invention. Even if the combination is made as suggested by the

AUS9-2001-0965US1

examiner, the combination does not teach or suggest all of the claim limitations as discussed above.

**CONCLUSION**

It is therefore respectfully requested that the Examiner's rejection of Claims 1-20 be reversed. It is respectfully submitted that the claims remaining in the Application are patentable under 35 USC and allowance of these claims to Appellants is respectfully requested.

Respectfully submitted,



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### VIII. Claims Appendix

In order to better assist the Examiner with the prosecution of the case, the current pending claims have been included in their entirety for which reconsideration is requested.

1. A method for enabling a creation of presentation data for later projection, the method comprising:

determining a recommended size for the created presentation data displayed on a display screen of a computer executing a presentation authoring tool, comprising:

i) receiving input of an expected viewing distance for the later projection of the presentation data;

ii) determining the recommended size based upon the expected viewing distance of the later projection having a projected data size viewable by a person, having a certain vision capability, at the expected viewing distance; and.

iii) indicating, during a preparation of a presentation using the authoring tool, presentation data that is smaller than the recommended size.

2. The method of claim 1 wherein the presentation data comprises at least one of text data and image data.

3. The method of claim 1 wherein the size is a font size.

4. The method of claim 1 wherein the expected viewing distance is at least one of a maximum viewing distance and a room depth of a room in which the later projection takes place.

5. The method of claim 1 wherein determining the recommended size is further based upon a size in height of the later projection, a height of the display screen, and a font height for characters on a line of a vision chart corresponding to the certain vision capability.

6. The method of claim 1 further comprising receiving further input of at least one of a size in height of the later projection, a height of the display screen, a number of picture elements per inch of the display screen, a display type, and the certain vision capability.

7. A method for displaying presentation data on a display screen of a computer executing a presentation authoring tool having means for enabling a creation of the presentation data, having a current font size, for later projection, the method comprising:

receiving input for an expected viewing distance of the later projection having a given projection screen height; and

redisplaying the presentation data using a second font size on the display screen that is representative of an anticipated appearance of the later projection, having a projected font size based upon the current font size, using the given projection screen height, of the presentation data by a person, having a certain vision capability, at the expected viewing distance.

8. The method of claim 7 wherein redisplaying further comprises determining a new display screen height and adjusting the second font size of the presentation data for the new display screen height.

9. A computer program, on a computer usable medium, having program code means for enabling a creation of presentation data for later projection, the computer program comprising:

AUS9-2001-0965US1

15

program code means for enabling a determination of a recommended size for the created presentation data displayed on a display screen of a computer executing a presentation authoring tool, comprising:

- i) program code means for enabling receipt of input of an expected viewing distance for the later projection of the presentation;
- ii) program code means for enabling a determination of the recommended size based upon the expected viewing distance of the later projection having a projected data size viewable by a person, having a certain vision capability, at the expected viewing distance; and
- iii) indicating, during a preparation of a presentation using the authoring tool, presentation data that is smaller than the recommended size.

10. The computer program of claim 9 wherein the presentation data is at least one of text data and image data.

11. The computer program of claim 9 wherein the program code means for enabling a determination of the recommended size is further based upon a size in height of the later projection, a height of the display screen, and a font height for characters on a line of a vision chart corresponding to the certain vision capability.

12. A computer program, on a computer usable medium, having program code means for enabling a creation of presentation data, having a current font size, for later projection, the computer program comprising:

program code means for enabling receipt of input for an expected viewing distance of the later projection having a given projection screen height; and

program code means for enabling a redisplaying of the presentation data using a second font size on the display screen that is representative of an anticipated appearance of  
AUS9-2001-0965US1

the later projection, having a projected font size based upon the current font size, using the given projection screen height, of the presentation data by a person, having a certain vision capability, at the expected viewing distance.

13. The computer program of claim 12 wherein the program code means for enabling the redisplaying further comprises program code means for enabling a determination of a new display screen height and adjusting the second font size of the presentation data for the new display screen height.

14. A computer system having a processor for executing a presentation authoring program, stored in memory, for enabling a creation of presentation data for later projection, the computer system comprising:

means for determining a recommended size for the created presentation data displayed on a display screen of the computer, comprising:

i) means for receiving input of an expected viewing distance for the later projection of the presentation;

ii) means for determining the recommended size based upon the expected viewing distance of the later projection having a projected data size viewable by a person, having a certain vision capability, at the expected viewing distance; and

iii) indicating, during a preparation of a presentation, that presentation data is smaller than the recommended size.

15. The computer system of claim 14 wherein the presentation data is at least one of text data and image data.

16. The computer system of claim 14 wherein the expected viewing distance is at least one of a maximum viewing distance and a room depth of a room in which the later projection takes place.

17. The computer system of claim 14 wherein the means for determining the recommended size is further based upon a size in height of the later projection, a height of the display screen, and a font height for characters on a line of a vision chart corresponding to the certain vision capability.
18. The computer system of claim 14 further comprising means for receiving further input of at least one of a size in height of the later projection, a height of the display screen, a number of picture elements per inch of the display screen, a display type, and the certain vision capability.
19. A computer system having a processor for executing a presentation authoring tool, stored in memory, for enabling a creation of presentation data, having a current font size, for later projection, the computer system comprising:
  - means for receiving input for an expected viewing distance of the later projection having a given projection screen height; and
  - means for redisplaying the presentation data, on a display screen of the computer, using a second font size on the display screen that is representative of an anticipated appearance of the later projection, having a projected font size based upon the current font size, using the given projection screen height, of the presentation data by a person, having a certain vision capability, at the expected viewing distance.
20. The computer system of claim 19 wherein the means for redisplaying further comprises means for determining a new display screen height and adjusting the second font size of the presentation data for the new display screen height.